



Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA LIQUOR CONTROL COMMISSION

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UPDATE

Industry Advisory- Expansion for On-Premise Liquor License holders to waive Original Package requirements during COVID-19
Nebraska Liquor Control Commission

This advisory is temporary in nature and specific to those in the Liquor industry in Nebraska.

The following are Rule and Statutory provisions that the Nebraska Liquor Control Commission is modifying during the pendency of this crisis.

In response to the ongoing disruption caused by the COVID-19 emergency, the NLCC will be modifying its operations. The NLCC is also offering additional answers in regards to Governor Ricketts Executive Order No. 20-09.

1. The provisions of Neb. Rev. Stat. 553-124 (6) (a) (iii) which mandate that alcoholic liquor be sold in original package only are waived. This change will allow pre-made cocktails and other alcoholic beverages to be sold so long as the containers are sealed with a lid or other method of securing the product, and not partially consumed.

There have been many inquiries on the effect of moving into Phase IV of the reopening plan and whether this Executive Order remains in place. This Executive Order will remain in effect until the Governor rescinds the state of emergency or issues a new Executive Order altering or cancelling the existing Executive Order.

NLCC Advisory:

Clarifications from NLCC with respect to the E.O. No. 20-09 are as follows:

A. Containers must be owned or provided by the retail licensee and must conform to sanitation requirements referenced by the LCC Rule, Chapter 6,019.01S. Size of the container should be no greater than 64 ounces. If using lids that have holes for a straw, a straw cannot be inserted. If a straw is inserted into the drink, it could be considered an open container.

B. Growler or Crowler containers can be used for beer or cocktails being sold. (64 oz limit)

C. Retail licenses should always check I.D. before making the sale or allowing the delivery to be picked up. See Delivery Rule, LCC, Chapter 6, 019.01P.

D. If alcoholic beverage is delivered, NLCC rules and regulations require payment of the alcoholic beverage prior to delivery. See Delivery Rule, LCC, Chapter 6, 019.0P.

E. NLCC would advise patrons that open or start consuming the alcoholic beverage on the street, sidewalk or in a motor vehicle could be guilty of violating the open container law and may be cited by law enforcement.

Janice M. Wiebusch
Commissioner

Bruce Bailey
Chairman

Harry Hoch
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F. Liquor License holders with off-sale privileges only (class B & Class D) would not be eligible to being selling cocktails in to-go containers as provided in E.O. No. 20-09. These licenses are bound to Original packages packaged by the manufacturer. 53-124 (6) (a) (ii) (iv).

G. The Executive Order and this Industry Advisory does not affect the existing open container law in Nebraska. Retailers are encouraged to recommend to customers they transport the alcoholic beverages somewhere out of reach of the typical passenger compartment of their vehicle. That means the cocktails should not be placed in the drink holders of the vehicle. Containers holding partially consumed drinks could leave the individual open citation for open container or driving under the influence.

Thank you,

Hobert Rupe

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